

## **II. Response to Restriction Requirement**

In response to the Restriction Requirement, Applicants hereby elect without traverse to prosecute the claims of the Group I invention (claims 1-3), drawn to an isolated nucleic acid molecule comprising SEQ ID NO:1, classified in class 536, subclass 23.1. Accordingly, claims 4-10 have been cancelled herein without prejudice and without disclaimer, as drawn to non-elected inventions.

Applicants reserve the right to refile claims to the non-elected inventions in one or more future applications retaining the priority date of the present case and the earlier cited priority applications.

## **III. Status of the Claims**

Claims 4-10 have been cancelled without prejudice and without disclaimer as being drawn to non-elected inventions. No claims of the Group I invention have been cancelled. No claims of the Group I invention have been amended. New claims 11-15 have been added.

Claims 1-3 and 11-15 are therefore presently pending in the case. For the convenience of the Examiner, a clean copy of the pending claims is attached hereto as **Exhibit A**. In compliance with 37 C.F.R. § 1.121(c)(1)(ii), a marked up copy of the original claims is attached hereto as **Exhibit B**.

## **IV. Support for the Newly Added Claims**

Claim 11 has been added to specifically recite a nucleic acid molecule comprising the nucleotide sequence of SEQ ID NO:1. Support for this claim can be found throughout the specification as originally filed, with particular support being found at least in claim 1 as originally filed and in Section 5.1.

Claims 12-14 have been added to specifically recite recombinant expression vectors comprising isolated nucleic acid molecules of the present invention. Support for these claims can be found throughout the specification as originally filed, with particular support being found at least at page 15, lines 26-33.

Claim 15 has been added to specifically recite host cells comprising the recombinant expression vectors of claim 12. Support for this claim can be found throughout the specification as originally filed, with particular support being found at least from page 15, line 33 to page 16, line 6.

It will be understood that no new matter is included within the newly added claims.

## V. Inventorship

In response to the Examiner's reminder that, upon election of claims in response to the Restriction Requirement, inventorship must be amended in compliance with 37 C.F.R. § 1.48(b), Applicants respectfully request amendment of the inventorship of the present application under 37 C.F.R. § 1.48(b)(1) in order to remove an inventor of the non-elected claims, since his invention is no longer being claimed in the present application as amended. The inventor *that is requested to be removed* as a result of the cancellation of the non-elected claims as a result of the response to the Restriction Requirement is Michael B. Burnett. The inventors of the remaining claims are, therefore, Nathaniel L. Wilganowski, Boris Nepomnichy, and Yi Hu.

As set forth under 37 C.F.R. § 1.48(b)(2), the Commissioner is hereby authorized to charge the fee required under 37 C.F.R. § 1.17(i) for this amendment and request to correct inventorship to Deposit Account No. 50-0892.

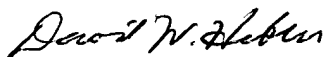
## VI. Conclusion

The present document is a complete response to the Restriction Requirement. Applicants believe that the claims of the instant application meet all of the conditions for patentability and are in condition for allowance. Accordingly, an early indication of the same is respectfully requested. Should Examiner Nichols have any questions or comments, or believe that certain amendments of the claims might serve to improve their clarity, a telephone call to the undersigned Applicants' representative is earnestly solicited.

Respectfully submitted,

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Date



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**Exhibit A**

**Clean Version of The Pending Claims in U.S. Patent Application Ser. No. 10/091,628**

1. An isolated nucleic acid molecule comprising at least 59 contiguous nucleotides from SEQ ID NO:1.
2. An isolated nucleic acid molecule comprising a nucleotide sequence that:
  - (a) encodes the amino acid sequence shown in SEQ ID NO:2; and
  - (b) hybridizes under stringent conditions to the nucleotide sequence of SEQ ID NO:1 or the complement thereof.
3. An isolated nucleic acid molecule comprising a nucleotide sequence that encodes the amino acid sequence shown in SEQ ID NO:2.
11. (New) The nucleic acid molecule of claim 1, comprising the nucleotide sequence of SEQ ID NO:1.
12. (New) A recombinant expression vector comprising the nucleic acid molecule of claim 1
13. (New) The recombinant expression vector of claim 12, wherein said nucleic acid molecule encodes the amino acid sequence shown in SEQ ID NO:2.
14. (New) The recombinant expression vector of claim 13, wherein said nucleic acid molecule comprises the nucleotide sequence of SEQ ID NO:1.
15. (New) A host cell comprising the recombinant expression vector of claim 12.

## **Exhibit B**

### **Marked Up Version of Amended Claims in U.S. Patent Application Ser. No. 10/091,628**

1. An isolated nucleic acid molecule comprising at least 59 contiguous nucleotides from SEQ ID NO:1.
2. An isolated nucleic acid molecule comprising a nucleotide sequence that:
  - (a) encodes the amino acid sequence shown in SEQ ID NO:2; and
  - (b) hybridizes under stringent conditions to the nucleotide sequence of SEQ ID NO:1 or the complement thereof.
3. An isolated nucleic acid molecule comprising a nucleotide sequence that encodes the amino acid sequence shown in SEQ ID NO:2.
4. (Cancelled) A substantially isolated protein having the transporter activity of the protein shown in SEQ ID NO:2, which is encoded by a nucleotide sequence that hybridizes to SEQ ID NO:1 under highly stringent conditions.
5. (Cancelled) A substantially isolated protein according to Claim 4 comprising the amino acid sequence of SEQ ID NO:2.
6. (Cancelled) An isolated nucleic acid molecule comprising at least 47 contiguous nucleotides from SEQ ID NO:4.
7. (Cancelled) An isolated nucleic acid molecule comprising a nucleotide sequence that:
  - (a) encodes the amino acid sequence shown in SEQ ID NO:5; and
  - (b) hybridizes under stringent conditions to the nucleotide sequence of SEQ ID NO:4

or the complement thereof.

8. (Cancelled) An isolated nucleic acid molecule comprising a nucleotide sequence that encodes the amino acid sequence shown in SEQ ID NO:4.

9. (Cancelled) A substantially isolated protein having the transporter activity of the protein shown in SEQ ID NO:5, which is encoded by a nucleotide sequence that hybridizes to SEQ ID NO:4 under highly stringent conditions.

10. (Cancelled) A substantially isolated protein according to Claim 9 comprising the amino acid sequence of SEQ ID NO:5.

11. (New) The nucleic acid molecule of claim 1, comprising the nucleotide sequence of SEQ ID NO:1.

12. (New) A recombinant expression vector comprising the nucleic acid molecule of claim 1.

13. (New) The recombinant expression vector of claim 12, wherein said nucleic acid molecule encodes the amino acid sequence shown in SEQ ID NO:2.

14. (New) The recombinant expression vector of claim 13, wherein said nucleic acid molecule comprises the nucleotide sequence of SEQ ID NO:1.

15. (New) A host cell comprising the recombinant expression vector of claim 12.